

REMARKS

By this amendment, claim 19 has been amended to include the features of claim 5. Claim 5 has been cancelled. Claims 3, 8-10, 12, 14, 17-22 are currently under examination, of which claims 19 and 21 are independent claims. Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification at least at previous claim 5.

In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Preliminary Matters

A Petition for a three (3)-month extension of time under 37 C.F.R. §1.136(a) is filed herewith. It is not believed that any further extensions of time are required other than those in the accompanying Petition. If extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a). Applicant believes that no further fees for net addition of claims are required at this time. Any fees required for extensions of time and any fees for the net addition of claims are hereby authorized to be charged to our Deposit Account No. 50331.

Rejections Under 35 U.S.C. §103

Claims 3, 5, 8-10, 12, 14, and 17-22 stand rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,630,093 to Jones et al. ("Jones") in view of U.S. Patent No. 5,968,671 to

Joseph ("Joseph"). Applicants respectfully traverse this rejection and request reconsideration for at least the following reasons. As will be discussed below this combination at a minimum fails to disclose or teach an extruded multi-void core as required by independent claims 19 and 21.

Claims 19 and 21 are directed to structural composite sandwich in which the multi-void core is an extruded core. Claims 5 and 21 previously had this feature. Claim 21 has not been amended and independent claim 19 has been amended to include the extruded feature of claim 5.

In order to establish a *prima facie* case of obviousness the "references (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." (MPEP 2142). The Examiner has not considered every element of independent claim 19, which has been amended to include the extruded core feature of claim 5, and independent 21. In particular, the rejection does not address, at a minimum, the feature of the core being an integral extruded core. Further, the rejection does not address the limitation of claim 19 that the core is a micro multi-void core.

Jones does not disclose teach or suggest a composite structural composite sandwich comprising an extruded integral micro multi-void core having two planar surfaces and including a plurality of continuous, parallel, longitudinal channels, and at least one layer of a composite stiffening material attached to each of said two planar surfaces, wherein said composite stiffening material comprises a continuous fiber metal matrix composite tape, comprising continuous aluminum oxide fibers as claimed in claim 19. Further, Jones fails to disclose teach or suggest a structural composite sandwich comprising an extruded integral multi-void core having two opposing planar surfaces and between said opposing planar surfaces a plurality of longitudinal, continuous parallel channels or voids defined by ribs extending between said

opposing planar surfaces, and at least one layer of a composite stiffening material attached to each of said two planar surfaces, wherein said composite stiffening material comprises a continuous fiber metal matrix composite tape, comprising continuous aluminum oxide fibers as described in claim 21. Some particular feature Jones fails to disclose are the integral extruded micro multi-void core (claim 19), the extruded integral multi-void core (claim 21), and metal matrix composite tapes comprising continuous aluminum oxide fibers.

The Examiner has taken the position that the term extrusion is a product-by-process limitation. What is claimed in claims 19 and 20 is that the core is an integral extruded multi-void core. By having an integral extruded multi-void core there are no seams or joints within the core. Jones does not teach, or disclose this feature.

Combining Jones with Joseph fails to supply the missing limitations. Joseph does not disclose teach or suggest an extruded micro multi-void core (claim 19) or the extruded integral multi-void core (claim 21). Therefore at a minimum the combination of Jones in view of Joseph fails to provide an extruded micro multi-void core (claim 19) or the extruded integral multi-void core (claim 21). Since the combination still fails to provide all the features of claims 19 and 21. Applicant respectfully submits that a *prima facie* case of obviousness has not been made. Applicant respectfully submits that independent claims 19 and 21 are not obvious over Jones in view of Joseph. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of independent claims 19 and 21, and all the claim that depend therefrom.

Claims 3, 8-10, 12, 17 and 18 stand rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,630,093 to Jones et al. ("Jones") in view of U.S. Patent No. 5,968,671 to Joseph ("Joseph"), further in view of Gunnink. Applicants respectfully traverse this rejection

and request reconsideration for at least the following reasons. All of these claims depend from claim 19 or 21. As discussed above, the combination of Jones in view of Joseph does not disclose teach or suggest an integral extruded multi-void core. Similarly, Gunnink does not disclose teach or suggest an integral extruded multi-void core. Accordingly, the combination of Jones in view of Joseph in further view of Gunnink still fails to provide all the limitations of claims 19 and 21 and all the claims that depend therefrom. Applicant respectfully submits that a *prima facie* case of obviousness has not been made. Applicant respectfully submits that independent claims 19 and 21 are not obvious over Jones in view of Joseph further in view of Gunnink. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of independent claims 19 and 21, and all the claims that depend therefrom.

Double Patenting

Claims 3, 5, 8-10, 12, 14, 17-22 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 11/000,521. Application No. 11/000,521 is commonly owned with the present application. Accordingly, Applicants respectfully request that this rejection be held in abeyance until the allowance of currently pending claims.

Conclusion

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and grounds for rejection have been overcome or rendered moot. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's

undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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